

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

JEFFREY CRAIG BLY,

PLAINTIFF,

VS.

CIVIL ACTION NO. 2:06CV178-P-A

**EUBANKS FURNITURE COMPANY,
ET AL.,**

DEFENDANTS.

FINAL JUDGMENT

This matter comes before the court upon Defendant's motion to dismiss for failure to prosecute and failure to comply with Orders of the court [45]. After due consideration of the motion, the court finds as follows, to-wit:

On July 26, 2007 the court entered an Order allowing plaintiff's counsel to withdraw and ordered in pertinent part that: "The Plaintiff shall have twenty days from the date of entry of this order within which to retain other counsel in this matter or notify the court that he intends to proceed *pro se*, that is, to represent himself. Plaintiff is warned that failure to comply with orders of this court may result in sanctions, up to and including dismissal of the case."

As of today, thirty-six days after entry of the court's July 26, 2007 Order, the court has received no notice of the plaintiff obtaining counsel nor of the plaintiff's intention to proceed in this matter *pro se*. Therefore, the court finds that this matter should be dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) Defendant's motion to dismiss for failure to prosecute and failure to comply with Orders of the court [45] is **GRANTED**; therefore,

(2) All of the plaintiff's claims against all defendant's are **DISMISSED WITHOUT PREJUDICE**; and

(3) This case is **CLOSED**.

SO ORDERED this the 31st day of August, A.D., 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE